

Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Contravention of the <i>Liquor Act 2019</i>
LICENSEE:	Silvey Pty Ltd
VENUE:	Riverview Motel and Caravan Park
LEGISLATION:	Section 293 of the <i>Liquor Act 2019</i>
DECISION OF:	Delegate of the Director of Liquor Licensing
DATE OF DECISION:	2 August 2024

BACKGROUND

1. Silvey Pty Ltd is the licensee for Riverview Motel and Caravan Park, Liquor Licence 80900042. The licensed premises is situated at 440 Victoria Highway, KATHERINE, NT 0850.
2. The nominees listed on the liquor licence are Satish Meka and Manoj Kumar Sunnapu.
3. On 27 December 2023, Licensing NT received information from nominee, Mr Manoj Sunnapu, self-reporting that the Riverview Motel and Caravan Park had sold/supplied liquor to a patron on Christmas day (25 December 2023) being in breach of the *Liquor Act 2019* (the Act).
4. On 22 February 2024, a complaint was formally lodged and accepted whereby the Licensee was formally advised and given the opportunity to provide a response.

PARTICULARS OF COMPLAINT

Allegation - Section 293 – Contravening licence conditions

5. On 25 December 2023, it is alleged that the Licensee and the Licensee's employee contravened section 293 of the Act by intentionally selling or supplying liquor to a person contrary to licensed trade hours.

Licensee's response to complaint

6. On 1 March 2024, Mr. Sannapu further provided a written response to the complaint which in summary provides:
 - a) "On Monday 25th December around 2:15 pm, my staff did a transaction of alcohol. We were not supposed to sell alcohol on that day."
 - b) "But, my staff mistakenly sold alcohol. It was a genuine mistake. As soon as I found out about this mistake, I emailed Lori about this mistake."
 - c) "This mistake will not be related again."

Investigation of Complaint

7. Licensing NT Senior Compliance Officers McIntyre and Tracey commenced an investigation into the complaint noting the obligations of the Licensee pursuant to the Act.

8. The evidence for the complaint was based on the following documentation:
- a. On 27 December 2023, the nominee self-reported via email to Licensing NT that an employee of the licensee had sold takeaway liquor to a patron on Christmas day, contrary to the liquor licence special conditions being, "No trading on Sunday, Good Friday or Christmas day".
 - b. Internal BDR data depicted a scan was completed on 25 December 2023 at approximately 2:15 PM.
 - c. Till tapes provided by the licensee as per the request of Licensing NT confirmed that a sale of takeaway liquor being 30 pack of XXXX Gold cans for \$90.00 occurred on 25 December 2023 at approximately 2:15 PM.
 - d. CCTV provided by the licensee depicting the sale by a male staff member to a female patron wearing a Santa hat.

Analysis of Evidence

9. In making this determination, the following facts have been relied on:
- a. The email received by Licensing NT from the licensee self-reporting the sale.
 - b. Silvey Pty Ltd is the Licensee for Liquor Licence 80900042, trading at Riverview Motel and Caravan Park.
 - c. The Licensee's response to the complaint dated 1 March 2023 confirming the incident took place in error.
 - d. Internal BDR data depicting a scan took place and the only scan conducted on the day in question.
 - e. Till tapes depicting the sale.
 - f. CCTV confirming the sale took place.

DECISION

10. In respect to allegation, that being a breach of section 293 of the Liquor Act 2019, I am satisfied that there is sufficient evidence to support that the licensee's employee intentionally sold and supplied liquor to a person in contravention of their hours of trade.
11. Pursuant to section 163(1)(a) of the Act, have determined that an infringement of five (5) penalty units is appropriate in the circumstances.

REVIEW OF DECISION

12. Section 27(1) of the Liquor Act 2019 provides that an affected person for a delegate decision may apply to the Director for a review of the decision.
12. Section 27(2) of the Liquor Act 2019 sets out the procedures for applying for a review of a delegate decision. Such application must be made within 28 days after written notice of the delegate decision is given to the affected person unless the Director extends the time allowed for making an application.
13. The affected persons in this matter is the licensee of Riverview Motel and Caravan Park.



Bernard Kulda
Delegate of the Director of Liquor Licensing
13 August 2024